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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,583	09/21/2001	David N. Brotherston	COF-0041	9398

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EXAMINER

AKINTOLA, OLABODE

ART UNIT	PAPER NUMBER
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3691

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/682,583	Applicant(s) BROTHERSTON, DAVID N.	
	Examiner OLABODE AKINTOLA	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of the appeal brief filed on 6/10/2008, PROSECUTION IS HEREBY REOPENED. The following rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following options:

(1) File a reply under 37 CFR 1.111 (if this office action is non-final) or a reply under 37 CFR 1.113 (if this office action is final); or,

(2) Initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fees and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in the 37 CFR 41.20 have been increased since they were previously paid, then the appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Alexander Kalinowski/

SPE

AU 3691

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berry (US 5311302) in view of Ross (US 5444444) ("Ross").

Re claim 1: Berry teaches a system comprising: (a) a plurality of computers that include an onboard computer transported with the vehicle (abstract, figures, col. 3, lines 4-54).

Berry does not explicitly teach an external computer not transported with the vehicle; (b) software installed on the onboard computer, the onboard computer software being operable on the onboard computer for causing the onboard computer to perform tasks including: i) obtaining service information from the external computer via communication with the external computer if

a communication pathway to the external computer is open; and ii) providing access to service information by personnel for fulfillment of the service orders; and (c) software installed on the external computer, the external computer software being operable on the external computer for causing the external computer to perform tasks including: i) acquiring information to determine the available services provided ; and ii) managing the delivery of services ; and iii) making service information obtainable by the onboard computer.

Ross teaches an on board computer transported in a vehicle (col. 3, lines 25-29: controller 10), and an external computer not transported with the vehicle (col. 3, lines 65 through col. 4, line 6: controller 22); (b) software installed on the onboard computer, the onboard computer software being operable on the onboard computer for causing the onboard computer to perform tasks including: i) obtaining service information from the external computer via communication with the external computer if a communication pathway to the external computer is open; and ii) providing access to service information by personnel for fulfillment of the service orders (col. 3, lines 25-55); and (c) software installed on the external computer, the external computer software being operable on the external computer for causing the external computer to perform tasks including: i) acquiring information to determine the available services provided ; and ii) managing the delivery of services ; and iii) making service information obtainable by the onboard computer (col. 3, lines 65 through col. 4, line 22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include these steps. One would have been motivated to do this in order to monitor and coordinate delivery of products to recipient.

Re claim 2: Berry teaches requests for delivery of products to passengers, managing delivery of products in accordance with service order and billing of passengers for fulfillment of service orders (abstract, fig. 1, col. 3, lines 4-54).

Re claim 3: Berry teaches associating a seat with each service order (abstract, figs)

Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berry in view of Ross, and further in view of Camaisa et al (US 5845263) ("Camaisa")/ Hall et al (US 6026375) ("Hall").

Re claims 4 and 14: Berry does not explicitly teach accepting service orders prior to boarding and associates each service order with a vehicle departure and makes the information obtainable by the onboard computer. Camaisa/Hall teaches accepting service orders prior to boarding and associates each service order with a vehicle departure and makes the information obtainable by the onboard computer (Camaisa: col. 4, lines 17-23, col. 17, lines 8-17; Hall: col. 2, lines 32-35). It would have been obvious to one of ordinary skill in the art at the time of the invention to include this step. One would have been motivated to do this in order to direct services to appropriate seat/facility/location to coincide with customer's arrival.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berry in view of Ross, and further in view of Roden et al (US 6249774) ("Roden").

Re claim 5: See claim 1 analysis, *supra*. Berry does not explicitly teach the step wherein the external computer software is further operable on the external computer for analyzing at least one of historical service order information and currently entered service order information, and based on the analysis recommends vehicle inventory. Roden teaches the step wherein the external computer software is further operable on the external computer for analyzing at least one of historical service order information and currently entered service order information, and based on the analysis recommends vehicle inventory (col. 7, lines 20-36, abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to include this step. One would have been motivated to do this in order to recommend replenishing item list.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berry in view of Ross, and further in view of Bravman et al (US 5646389) (“Bravman”).

Re claim 6: Berry further teaches request for delivery of products (abstract, fig. 1, col. 3, lines 4-54). Berry does not explicitly teach managing flow of inventory from a terminal to a vehicle and from other sources to the terminal. Bravman teaches this feature (col. 2, lines 49-62; figs.). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Berry to include this feature. One would have been motivated to do so in order to ensure on-time delivery of products at their destination points.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berry in view of Ross, and further in view of Tracey et al (US 5979757) (“Tracey”).

Re claim 25: Berry does not explicitly teach handheld computers used by vehicle personnel for creating and accessing service orders on the on board computer by communication between the handheld computer and the onboard computer. Tracey teaches this limitation (col. 3, lines 49-67; col. 15, lines 17-21). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Berry to include this feature. One would have been motivated to do so in order to allow attendant access orders using a portable terminal.

Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berry in view of Rondeau (US 5850433) ("Rondeau").

Re claims 7 and 12: Berry teaches a system for fulfilling service orders on a transport vehicle, the system comprising an onboard computer transported with the vehicle and connections with electronic devices operated by vehicle personnel or passengers (abstract, col. 3, lines 4-54), the onboard computer including software, which when operated on the onboard computer and electronic devices causes the onboard computer to perform tasks comprising accepting service orders entered via the electronic devices by vehicle personnel or passengers and making the service orders accessible to vehicle personnel (abstract, col. 3, lines 4-54). Berry does not explicitly teach providing menu options adapted for specific customer preferences that vary based on preselected products and services and historical preference. Rondeau teaches customizing customer menu based on historical usage (abstract). It would have been to one of ordinary skill in the art at the time of the invention to modify Berry to include the step of

customizing customer menu based on customer profile as taught by Rondeau. One would have been motivated to do so in order to personalize the menu presented to the passenger based on passenger's profile.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berry in view of Rondeau, and further in view of Tracey et al (US 5979757) ("Tracey").

Re claims 10 and 11: Berry does not explicitly teach handheld computers used by vehicle personnel for creating and accessing service orders on the on board computer by communication between the handheld computer and the onboard computer. Tracey teaches this limitation (col. 3, lines 49-67; col. 15, lines 17-21). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Berry to include this feature. One would have been motivated to do so in order to allow attendant access orders using a portable terminal employing wireless communication.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berry in view of Rondeau, and further in view of Ross.

Re claim 13: See claims 1, 2 and 7 analyses, supra.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berry in view of Rondeau in view of Ross, and further in view of Camaisa/ Hall.

Re claim 14: See claims 4 and 13 analyses, *supra*.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berry in view of Rondeau in view of Ross, and further in view Leuca et al (US 6201797) (“Leuca”)

Re claim 15: Berry does not explicitly teach the step wherein if a service order includes a request for Internet access, the onboard computer provides Internet access to a connection at a passenger seat location corresponding to the service order, by making use of said communication route. Leuca teaches wherein if a service order includes a request for Internet access, the onboard computer provides Internet access to a connection at a passenger seat location corresponding to the service order, by making use of said communication route (col. 2, lines 7-12). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Berry to include this step. One would have been motivated to do this in order to provide internet access to passengers while onboard.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berry in view of Bezos (US 5727163) (“Bezos”).

Re claims 8 and 9: Berry teaches a system for fulfilling service orders on a transport vehicle, the system comprising an onboard computer transported with the vehicle and connections with electronic devices operated by vehicle personnel or passengers (abstract, col. 3, lines 4-54), the

onboard computer including software, which when operated on the onboard computer and electronic devices causes the onboard computer to perform tasks comprising accepting service orders entered via the electronic devices by vehicle personnel or passengers and making the service orders accessible to vehicle personnel (abstract, col. 3, lines 4-54). Berry does not explicitly teach that the electronic devices include passenger supplied personal information processing apparatus carried on by the passenger. Bezos teaches using a laptop or PDA to place an order. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Berry to include this feature. One would have been motivated to do so in order to incorporate portable device as an alternative to fixed device.

Claims 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berry in view of Ross in view of Camaisa in view of Roden in view of Rondeau and further in view of Weber (US 6122620) ("Weber").

Re claims 16-17: Berry, Ross, Camaisa, Rondeau and Roden teach the limitations of claims 16-17, except the step of accessing database information pertaining to vehicle departure and destination. Berry teaches a system for fulfilling orders on a transport vehicle. Berry does not explicitly teach an external computer not transported with the vehicle, the external computer including software being operable on the external computer for causing the external computer to perform tasks comprising: a) accessing database information pertaining to vehicle departure, destination, past services orders and inventory information; b) based on the database information,

estimating service orders expected to be received and recommended inventory for transport for onboard fulfillment of service orders and providing menu options adapted for specific customer preferences that vary based on pre-selected products and services and historical preferences.

Ross is cited for teaching external computer not transported with the vehicle, the external computer including software being operable on the external computer for causing the external computer to perform tasks comprising accessing database information including routing information (see claim 1 analysis). Rodent is cited for teaching past services information and inventory information and analyzing this information to recommend vehicle inventory (see claim 5 analysis). Rondeau is cited for teaching customizing customer menu based on historical usage (see claim 7 analysis). Berry, Ross, Camaisa, Rondeau and Roden do not explicitly teach the step of accessing database information pertaining to vehicle departure and destination.

Weber teaches the step of accessing database information pertaining to vehicle departure and destination (col. 1, lines 53-65, col. 2, lines 34-40 and 55-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to include this step. One would have been motivated to do this in order to collect and disburse information regarding flight information.

Re claims 18 and 19: Camaisa teaches the step wherein the other computers include kiosks at terminal areas (col. 6, lines 27-52).

Re claim 20: See claims 4 and 5 analyses, supra.

Re claim 21: See claim 5 analysis, supra.

Re claim 22 and 24: See claim 1 analysis, supra.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lundberg et al (US 6760757) teaches providing internet access to passengers in a vehicle through a proxy server (abstract, figures and detailed description)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLABODE AKINTOLA whose telephone number is (571)272-3629.

The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-67711. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Alexander Kalinowski/
Supervisory Patent Examiner, Art Unit
3691

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